

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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11 Representative(s) Alexander and Dockery offered the following:

12

13 **Amendment (with title amendment)**

14 On page 101, line 26 thru page 123, line 26  
15 remove from the bill: all of said lines

16

17 and insert in lieu thereof:

18 (1) The Legislature declares it to be necessary for  
19 the public health and welfare that water and water-related  
20 resources be conserved and protected. The acquisition of real  
21 property for this objective shall constitute a public purpose  
22 for which public funds may be expended.

23 (2)(a) The governing board of the district is  
24 empowered and authorized to acquire in fee or less than fee  
25 title to real property, and easements therein, by purchase,  
26 gift, devise, lease, eminent domain, or otherwise for flood  
27 control, water storage, water management, aquifer recharge,  
28 water resource and water supply development, and preservation  
29 of wetlands, streams, and lakes. ~~except that~~ Eminent domain  
30 powers may be used only for acquiring real property for flood  
31 control and water storage or for curing title defects or

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1 encumbrances to real property to be acquired from a willing  
2 seller.

3 (b) For the purpose of introducing water into, or  
4 drawing water from, the underlying aquifer for storage or  
5 supply, the governing board is authorized to hold, control,  
6 and acquire by donation, lease, or purchase any land, public  
7 or private.

8 (3)(a) No acquisition of lands shall occur without a  
9 public hearing similar to those held pursuant to the  
10 provisions set forth in s. 120.54.

11 (b) Title information, appraisal reports, offers, and  
12 counteroffers are confidential and exempt from the provisions  
13 of s. 119.07(1) until an option contract is executed or, if no  
14 option contract is executed, until 30 days before a contract  
15 or agreement for purchase is considered for approval by the  
16 governing board. However, each district may, at its  
17 discretion, disclose appraisal reports to private landowners  
18 during negotiations for acquisitions using alternatives to fee  
19 simple techniques, if the district determines that disclosure  
20 of such reports will bring the proposed acquisition to  
21 closure. In the event that negotiation is terminated by the  
22 district, the title information, appraisal report, offers, and  
23 counteroffers shall become available pursuant to s. 119.07(1).  
24 Notwithstanding the provisions of this section and s. 259.041,  
25 a district and the Division of State Lands may share and  
26 disclose title information, appraisal reports, appraisal  
27 information, offers, and counteroffers when joint acquisition  
28 of property is contemplated. A district and the Division of  
29 State Lands shall maintain the confidentiality of such title  
30 information, appraisal reports, appraisal information, offers,  
31 and counteroffers in conformance with this section and s.

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1 259.041, except in those cases in which a district and the  
2 division have exercised discretion to disclose such  
3 information.

4 (c) The Secretary of Environmental Protection shall  
5 release moneys from the appropriate account or trust fund to a  
6 district for preacquisition costs within 30 days after receipt  
7 of a resolution adopted by the district's governing board  
8 which identifies and justifies any such preacquisition costs  
9 necessary for the purchase of any lands listed in the  
10 district's 5-year workplan. The district shall return to the  
11 department any funds not used for the purposes stated in the  
12 resolution, and the department shall deposit the unused funds  
13 into the appropriate account or trust fund.

14 (d) The Secretary of Environmental Protection shall  
15 release acquisition moneys from the appropriate account or  
16 trust fund to a district following receipt of a resolution  
17 adopted by the governing board identifying the lands being  
18 acquired and certifying that such acquisition is consistent  
19 with the 5-year workplan of acquisition and other provisions  
20 of this section. The governing board also shall provide to  
21 the Secretary of Environmental Protection a copy of all  
22 certified appraisals used to determine the value of the land  
23 to be purchased. Each parcel to be acquired must have at  
24 least one appraisal. Two appraisals are required when the  
25 estimated value of the parcel exceeds \$500,000. However, when  
26 both appraisals exceed \$500,000 and differ significantly, a  
27 third appraisal may be obtained. If the purchase price is  
28 greater than the appraisal price, the governing board shall  
29 submit written justification for the increased price. The  
30 Secretary of Environmental Protection may withhold moneys for  
31 any purchase that is not consistent with the 5-year plan or

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1 the intent of this section or that is in excess of appraised  
2 value. The governing board may appeal any denial to the Land  
3 and Water Adjudicatory Commission pursuant to s. 373.114.

4 (4) The governing board of the district may purchase  
5 tax certificates or tax deeds issued in accordance with  
6 chapter 197 relating to property eligible for purchase under  
7 this section.

8 ~~(5) Lands acquired for the purposes enumerated in~~  
9 ~~subsection (2) may also be used for recreational purposes, and~~  
10 ~~whenever practicable such lands shall be open to the general~~  
11 ~~public for recreational uses. Except when prohibited by a~~  
12 ~~covenant or condition described in s. 373.056(2), lands owned,~~  
13 ~~managed, and controlled by the district may be used for~~  
14 ~~multiple purposes, including, but not limited to, agriculture,~~  
15 ~~silviculture, and water supply, as well as boating and other~~  
16 ~~recreational uses.~~

17 ~~(6) For the purpose of introducing water into, or~~  
18 ~~drawing water from, the underlying aquifer for storage or~~  
19 ~~supply, the governing board is authorized to hold, control,~~  
20 ~~and acquire by donation, lease, or purchase any land, public~~  
21 ~~or private.~~

22 ~~(5)(7)~~ This section shall not limit the exercise of  
23 similar powers delegated by statute to any state or local  
24 governmental agency or other person.

25 (6) A district may dispose of land acquired under this  
26 section pursuant to s. 373.056 or s. 373.089. However, no  
27 such disposition of land shall be made if it would have the  
28 effect of causing all or any portion of the interest on any  
29 revenue bonds issued pursuant to s. 259.101 or s. 259.105 to  
30 fund the acquisition programs detailed in this section to lose  
31 the exclusion from gross income for purposes of federal income

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1 taxation. Revenue derived from such disposition may not be  
2 used for any purpose except the purchase of other lands  
3 meeting the criteria specified in this section or payment of  
4 debt service on revenue bonds or notes issued under s.  
5 373.584.

6 (7) The districts have the authority to promulgate  
7 rules that include the specific process by which land is  
8 acquired; the selection and retention of outside appraisers,  
9 surveyors, and acquisition agents; and public  
10 notification. Rules adopted pursuant to this subsection shall  
11 be submitted to the President of the Senate and the Speaker of  
12 the House of Representatives, for review by the Legislature,  
13 no later than 30 days prior to the 2001 Regular Session and  
14 shall become effective only after legislative review. In its  
15 review, the Legislature may reject, modify, or take no action  
16 relative to such rules. The districts shall conform such  
17 rules to changes made by the Legislature, or, if no action was  
18 taken by the Legislature, such rules shall become effective.

19 Section 32. Section 373.1391, Florida Statutes, is  
20 created to read:

21 373.1391--Management of Real Property.

22 (1)(a) Lands titled to the governing boards of the  
23 districts shall be managed and maintained, to the extent  
24 practicable, in such a way as to ensure a balance between  
25 public access, general public recreational purposes, and  
26 restoration and protection of their natural state and  
27 condition. Except when prohibited by a covenant or condition  
28 described in s. 373.056(2), lands owned, managed, and  
29 controlled by the district may be used for multiple purposes,  
30 including, but not limited to, agriculture, silviculture, and  
31 water supply, as well as boating and other recreational uses.

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1           (b) Whenever practicable such lands shall be open to  
2 the general public for recreational uses. General public  
3 recreational purposes shall include, but not be limited to,  
4 fishing, hunting, horseback riding, swimming, camping, hiking,  
5 canoeing, boating, diving, birding, sailing, jogging, and  
6 other related outdoor activities to the maximum extent  
7 possible considering the environmental sensitivity and  
8 suitability of those lands. These public lands shall be  
9 evaluated for their resource value for the purpose of  
10 establishing which parcels, in whole or in part, annually or  
11 seasonally, would be conducive to general public recreational  
12 purposes. Such findings shall be included in management plans  
13 which are developed for such public lands. These lands shall  
14 be made available to the public for these purposes, unless  
15 the district governing board can demonstrate that such  
16 activities would be incompatible with the purposes for which  
17 these lands were acquired.

18           (c) For any fee simple acquisition of a parcel which  
19 is or will be leased back for agricultural purposes, or for  
20 any acquisition of a less-than-fee interest in lands that is  
21 or will be used for agricultural purposes, the district  
22 governing board shall first consider having a soil and water  
23 conservation district created pursuant to chapter 582 manage  
24 and monitor such interest.

25           (2) interests in real property acquired by the  
26 districts under this section with funds other than those  
27 appropriated under the Stewardship Florida Act, may be used  
28 for permittable water resource development and water supply  
29 development purposes under the following conditions: the  
30 minimum flows and levels of priority water bodies on such  
31 lands have been established; the project complies with all

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1 conditions for issuance of a permit under part II of this  
2 chapter; and the project is compatible with the purposes for  
3 which the land was acquired.

4 (3) Each district is encouraged to use volunteers to  
5 provide land management and other services. Volunteers shall  
6 be covered by liability protection and workers' compensation  
7 in the same manner as district employees, unless waived in  
8 writing by such volunteers or unless such volunteers otherwise  
9 provide equivalent insurance.

10 (4) Each water management district is authorized and  
11 encouraged to enter into cooperative land management  
12 agreements with state agencies or local governments to provide  
13 for the coordinated and cost-effective management of lands to  
14 which the water management districts, the board of trustees of  
15 the Internal Improvement Trust Fund, or local governments hold  
16 title. Any such cooperative land management agreement must be  
17 consistent with any applicable laws governing land use,  
18 management duties, and responsibilities and procedures of each  
19 cooperating entity. Each cooperating entity is authorized to  
20 expend such funds as are made available to it for land  
21 management on any such lands included in a cooperative land  
22 management agreement.

23 (5) The following additional uses of lands acquired  
24 pursuant to the Stewardship Florida program and other  
25 state-funded land purchase programs shall be authorized, upon  
26 a finding by the governing board, if they meet the criteria  
27 specified in paragraphs (a)-(e): water resource development  
28 projects, water supply development projects, stormwater  
29 management projects, linear facilities, and sustainable  
30 agriculture and forestry. Such additional uses are authorized  
31 where:

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- 1           (a) Not inconsistent with the management plan for such  
2 lands;
- 3           (b) Compatible with the natural ecosystem and resource  
4 values of such lands;
- 5           (c) The proposed use is appropriately located on such  
6 lands and where due consideration is given to the use of other  
7 available lands;
- 8           (d) The using entity reasonably compensates the  
9 titleholder for such use based upon an appropriate measure of  
10 value; and
- 11           (e) The use provides a significant public interest. A  
12 decision by the governing board pursuant to this subsection  
13 shall be given a presumption of correctness.
- 14
- 15 Moneys received from the use of state lands pursuant to this  
16 subsection shall be returned to the lead managing agency in  
17 accordance with the provisions of s. 259.032(11)(d).
- 18           (6) The districts have the authority to adopt rules  
19 that specify: allowable activities on district-owned lands;  
20 the amount of fees, licenses, or other charges for users of  
21 district-owned lands; the application and reimbursement  
22 process for payments in lieu of taxes; the use of volunteers  
23 for management activities; and the processes related to  
24 entering into or severing cooperative land management  
25 agreements. Rules promulgated pursuant to the subsection  
26 shall become effective only after submitted to the President  
27 of the Senate and Speaker of the House of Representatives for  
28 review by the Legislature not later than 30 days prior to the  
29 next regular session. In its review, the Legislature may  
30 reject, modify, or take no action relative to such rules. The  
31 districts shall conform such rules to changes made by the

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1 Legislature, or, if no action is taken, such rules shall  
2 become effective.

3 Section 33. Section 373.199, Florida Statutes, is  
4 created to read:

5 373.199 Assistance to Acquisition and Restoration  
6 Commission.--

7 (1) Over the years, the Legislature has created  
8 numerous programs and funded several initiatives intended to  
9 restore, conserve, protect, and manage Florida's water  
10 resources and the lands and ecosystems associated with them.  
11 Although these programs and initiatives have yielded  
12 individual successes, the overall quality of Florida's water  
13 resources continues to degrade; natural systems associated  
14 with surface waters continue to be altered or have not been  
15 restored to a fully functioning level; and sufficient  
16 quantities of water for current and future reasonable  
17 beneficial uses and for natural systems remain in doubt.

18 (2) Therefore, in order to further the goals of the  
19 Stewardship Florida Act and to assist the Acquisition and  
20 Restoration Commission in evaluating and ranking projects,  
21 each water management district shall develop a 5-year workplan  
22 that identifies projects that meet the criteria in subsections  
23 (3), (4), and (5). The 5-year workplan shall be sent to the  
24 Commission for its consideration in developing a funding  
25 priority list pursuant to the Stewardship Florida Act. EAch  
26 district must submit its 5-year workplan by January 1 each  
27 year, beginning in 2000. Nothing herein shall preclude each  
28 water management districts from using funds other than  
29 Stewardship Florida funds for projects contained in its 5-year  
30 workplan that are not approved for funding under the  
31 Stewardship Florida Act.

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1           (3) In developing the list, each water management  
2 district shall:

3           (a) Integrate its existing surface water improvement  
4 and management plans, Save Our Rivers land acquisition lists,  
5 stormwater management projects, proposed water resource  
6 development projects, proposed water body restoration  
7 projects, and other properties or activities that would assist  
8 in meeting the goals of Stewardship Florida.

9           (b) Work cooperatively with the applicable ecosystem  
10 management area teams and other citizen advisory groups, the  
11 Department of Environmental Protection and its district  
12 offices, the Department of Agriculture and Consumer Services,  
13 the Fish and Wildlife Conservation Commission, the Department  
14 of Community Affairs, the Department of Transportation, other  
15 state agencies, and federal agencies, where applicable.

16           (4) The list submitted by the districts shall include,  
17 where applicable, the following information for each project:

18           (a) A description of the water body system, its  
19 historical and current uses, and its hydrology; a history of  
20 the conditions which have led to the need for restoration or  
21 protection; and a synopsis of restoration efforts that have  
22 occurred to date, if applicable.

23           (b) An identification of all governmental units that  
24 have jurisdiction over the water body and its drainage basin  
25 within the approved surface water improvement and management  
26 plan area, including local, regional, state, and federal  
27 units.

28           (c) A description of land uses within the project  
29 area's drainage basin, and of important tributaries, point and  
30 nonpoint sources of pollution, and permitted discharge  
31 activities associated with that basin.

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1           (d) A description of strategies and potential  
2 strategies, including improved stormwater management, for  
3 restoring or protecting the water body to Class III or better  
4 surface water quality status.

5           (e) A listing and synopsis of studies that are being  
6 or have been prepared for the water body, stormwater  
7 management project, or water resource development project.

8           (f) A description of the measures needed to manage and  
9 maintain the water body once it has been restored and to  
10 prevent future degradation, to manage and maintain the  
11 stormwater management system, or to manage and maintain the  
12 water resource development project.

13           (g) A schedule for restoration and protection of the  
14 water body, implementation of the stormwater management  
15 project, or development of the water resource development  
16 project.

17           (h) An estimate of the funding needed to carry out the  
18 restoration, protection, or improvement project, or the  
19 development of new water resources, where applicable, and the  
20 projected sources of the funding.

21           (i) Numeric performance measures for each project.  
22 Each performance measure shall include a baseline measurement,  
23 which is the current situation; a performance standard, which  
24 water management district staff anticipates the project will  
25 achieve; and the performance measurement itself, which should  
26 reflect the incremental improvements the project accomplishes  
27 towards achieving the performance standard.

28           (j) A discussion of permitting and other regulatory  
29 issues related to the project.

30           (k) An identification of the proposed public access  
31 for projects with land acquisition components.

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1           (l) An identification of those lands which require a  
2 full fee simple interest to achieve water management goals and  
3 those lands which can be acquired using alternatives to fee  
4 simple acquisition techniques and still achieve such goals. In  
5 their evaluation of which lands would be appropriate for  
6 acquisition through alternatives to fee simple, district staff  
7 shall consider criteria including, but not limited to,  
8 acquisition costs, the net present value of future land  
9 management costs, the net present value of advalorem revenue  
10 loss to the local government, and potential for revenue  
11 generated from activities compatible with acquisition  
12 objectives.

13           (m) An identification of lands needed to protect or  
14 recharge groundwater and a plan for their acquisition as  
15 necessary to protect potable water supplies. Lands which serve  
16 to protect or recharge groundwater identified pursuant to this  
17 paragraph shall also serve to protect other valuable natural  
18 resources or provide space for natural resource based  
19 recreation.

20           (5) The list of recommended projects shall indicate  
21 the relative significance of each project within the  
22 particular water management district's boundaries, and the  
23 schedule of activities and sums of money earmarked should  
24 reflect those rankings as much as possible over a 5-year  
25 planning horizon.

26           (6) Each district shall remove the property of an  
27 unwilling seller from its 5-year workplan at the next  
28 scheduled update of the plan, if in receipt of a request to do  
29 so by the property owner.

30           (7) By January 1 of each year, each district shall  
31 file with the Legislature and the Secretary of Environmental

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1 Protection a report of acquisitions completed during the year  
2 modifications or additions to its 5-year workplan. Included in  
3 the report shall be:

4 (a) An identification of lands acquired through the  
5 Florida Watershed Reserve Program, pursuant to s. 259.105(6),  
6 and which would comply with the provisions of paragraphs (a)  
7 and (b).

8 (b) A description of land management activity for each  
9 property or project area owned by the water management  
10 district.

11 (c) A list of any lands surplused and the amount of  
12 compensation received.

13 Section 34. Subsection (6) of section 373.250, Florida  
14 Statutes, is repealed.

15 373.250 Reuse of reclaimed water.--

16 ~~(6) Each water management district shall submit to the~~  
17 ~~Legislature, by June 1 of each year, an annual report which~~  
18 ~~describes the district's progress in promoting the reuse of~~  
19 ~~reclaimed water. The report shall include, but not be limited~~  
20 ~~to:~~

21 ~~(a) The number of permits issued during the year which~~  
22 ~~required reuse of reclaimed water and, by categories, the~~  
23 ~~percentages of reuse required.~~

24 ~~(b) The number of permits issued during the year which~~  
25 ~~did not require the reuse of reclaimed water and, of those~~  
26 ~~permits, the number which reasonably could have required~~  
27 ~~reuse.~~

28 ~~(c) In the second and subsequent annual reports, a~~  
29 ~~statistical comparison of reuse required through consumptive~~  
30 ~~use permitting between the current and preceding years.~~

31 ~~(d) A comparison of the volume of reclaimed water~~

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1 ~~available in the district to the volume of reclaimed water~~  
2 ~~required to be reused through consumptive use permits.~~

3 ~~(e) A comparison of the volume of reuse of reclaimed~~  
4 ~~water required in water resource caution areas through~~  
5 ~~consumptive use permitting to the volume required in other~~  
6 ~~areas in the district through consumptive use permitting.~~

7 ~~(f) An explanation of the factors the district~~  
8 ~~considered when determining how much, if any, reuse of~~  
9 ~~reclaimed water to require through consumptive use permitting.~~

10 ~~(g) A description of the district's efforts to work in~~  
11 ~~cooperation with local government and private domestic~~  
12 ~~wastewater treatment facilities to increase the reuse of~~  
13 ~~reclaimed water. The districts, in consultation with the~~  
14 ~~department, shall devise a uniform format for the report~~  
15 ~~required by this subsection and for presenting the information~~  
16 ~~provided in the report.~~

17 Section 35. Section 373.59, Florida Statutes, 1998  
18 Supplement, is amended to read:

19 373.59 Water Management Lands Trust Fund.--

20 (1) There is established within the Department of  
21 Environmental Protection the Water Management Lands Trust Fund  
22 to be used as a nonlapsing fund for the purposes of this  
23 section. The moneys in this fund are hereby continually  
24 appropriated for the purposes of land ~~acquisition,~~management,  
25 maintenance, capital improvements of land titled to the  
26 districts, payments in lieu of taxes, debt service on bonds  
27 issued prior to July 1, 1999, preacquisition costs associated  
28 with land purchases, and administration of the fund in  
29 accordance with the provisions of this section to the  
30 department's cost of administration of the fund. The  
31 department's costs of administration shall be charged

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1 proportionally against each district's allocation using the  
2 formula provided in subsection (8). Capital improvements  
3 shall include, but need not be limited to, perimeter fencing,  
4 signs, firelanes, control of invasive exotic species,  
5 controlled burning, habitat inventory and restoration, law  
6 enforcement, access roads, and trails, and minimal public  
7 accommodations, such as primitive campsites, garbage  
8 receptacles, and toilets.

9 (2)(a) Until the Preservation 2000 Program is  
10 concluded, By January 15 of each year, each district shall  
11 file with the Legislature and the Secretary of Environmental  
12 Protection a report of acquisition activity, by January 15 of  
13 each year together with modifications or additions to its  
14 5-year plan of acquisition. Included in the report shall be  
15 an identification of those lands which require a full fee  
16 simple interest to achieve water management goals and those  
17 lands which can be acquired using alternatives to fee simple  
18 acquisition techniques and still achieve such goals. In their  
19 evaluation of which lands would be appropriate for acquisition  
20 through alternatives to fee simple, district staff shall  
21 consider criteria including, but not limited to, acquisition  
22 costs, the net present value of future land management costs,  
23 the net present value of ad valorem revenue loss to the local  
24 government, and the potential for revenue generated from  
25 activities compatible with acquisition objectives. The report  
26 shall also include a description of land management activity.  
27 ~~Expenditure of moneys from the Water Management Lands Trust~~  
28 ~~Fund shall be limited to the costs for acquisition,~~  
29 ~~management, maintenance, and capital improvements of lands~~  
30 ~~included within the 5-year plan as filed by each district and~~  
31 ~~to the department's costs of administration of the fund. The~~

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1 ~~department's costs of administration shall be charged~~  
2 ~~proportionally against each district's allocation using the~~  
3 ~~formula provided in subsection (7). However, no acquisition of~~  
4 ~~lands shall occur without a public hearing similar to those~~  
5 ~~held pursuant to the provisions set forth in s. 120.54. In the~~  
6 ~~annual update of its 5-year plan for acquisition, each~~  
7 ~~district shall identify lands needed to protect or recharge~~  
8 ~~groundwater and shall establish a plan for their acquisition~~  
9 ~~as necessary to protect potable water supplies. Lands which~~  
10 ~~serve to protect or recharge groundwater identified pursuant~~  
11 ~~to this paragraph shall also serve to protect other valuable~~  
12 ~~natural resources or provide space for natural resource based~~  
13 ~~recreation. Once all Preservation 2000 funds allocated to the~~  
14 ~~water management districts have been expended or committed,~~  
15 ~~this subsection shall be repealed.~~

16 (3) Each district shall remove the property of an  
17 unwilling seller from its plan of acquisition at the next  
18 scheduled update of the plan, if in receipt of a request to do  
19 so by the property owner. This subsection shall be repealed at  
20 the conclusion of the Preservation 2000 program.

21 ~~(4)(a) Moneys from the Water Management Lands Trust~~  
22 ~~Fund shall be used for acquiring the fee or other interest in~~  
23 ~~lands necessary for water management, water supply, and the~~  
24 ~~conservation and protection of water resources, except that~~  
25 ~~such moneys shall not be used for the acquisition of~~  
26 ~~rights-of-way for canals or pipelines. Such moneys shall also~~  
27 ~~be used for management, maintenance, and capital improvements.~~  
28 ~~Interests in real property acquired by the districts under~~  
29 ~~this section may be used for permittable water resource~~  
30 ~~development and water supply development purposes under the~~  
31 ~~following conditions: the minimum flows and levels of priority~~

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1 ~~water bodies on such lands have been established; the project~~  
2 ~~complies with all conditions for issuance of a permit under~~  
3 ~~part II of this chapter; and the project is compatible with~~  
4 ~~the purposes for which the land was acquired. Lands acquired~~  
5 ~~with moneys from the fund shall be managed and maintained in~~  
6 ~~an environmentally acceptable manner and, to the extent~~  
7 ~~practicable, in such a way as to restore and protect their~~  
8 ~~natural state and condition.~~

9       (4)(b) The Secretary of Environmental Protection shall  
10 release moneys from the Water Management Lands Trust Fund to a  
11 district for preacquisition costs within 30 days after receipt  
12 of a resolution adopted by the district's governing board  
13 which identifies and justifies any such preacquisition costs  
14 necessary for the purchase of any lands listed in the  
15 district's 5-year plan. The district shall return to the  
16 department any funds not used for the purposes stated in the  
17 resolution, and the department shall deposit the unused funds  
18 into the Water Management Lands Trust Fund.

19       (c) ~~The Secretary of Environmental Protection shall~~  
20 ~~release acquisition moneys from the Water Management Lands~~  
21 ~~Trust Fund to a district following receipt of a resolution~~  
22 ~~adopted by the governing board identifying the lands being~~  
23 ~~acquired and certifying that such acquisition is consistent~~  
24 ~~with the plan of acquisition and other provisions of this act.~~  
25 ~~The governing board shall also provide to the Secretary of~~  
26 ~~Environmental Protection a copy of all certified appraisals~~  
27 ~~used to determine the value of the land to be purchased. Each~~  
28 ~~parcel to be acquired must have at least one appraisal. Two~~  
29 ~~appraisals are required when the estimated value of the parcel~~  
30 ~~exceeds \$500,000. However, when both appraisals exceed~~  
31 ~~\$500,000 and differ significantly, a third appraisal may be~~

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1 ~~obtained. If the purchase price is greater than the appraisal~~  
2 ~~price, the governing board shall submit written justification~~  
3 ~~for the increased price. The Secretary of Environmental~~  
4 ~~Protection may withhold moneys for any purchase that is not~~  
5 ~~consistent with the 5-year plan or the intent of this act or~~  
6 ~~that is in excess of appraised value. The governing board may~~  
7 ~~appeal any denial to the Land and Water Adjudicatory~~  
8 ~~Commission pursuant to s. 373.114.~~

9       ~~(5)(d)~~ The Secretary of Environmental Protection shall  
10 release to the districts moneys for management, maintenance,  
11 and capital improvements following receipt of a resolution and  
12 request adopted by the governing board which specifies the  
13 designated managing agency, specific management activities,  
14 public use, estimated annual operating costs, and other  
15 acceptable documentation to justify release of moneys.

16       ~~(5) Water management land acquisition costs shall~~  
17 ~~include payments to owners and costs and fees associated with~~  
18 ~~such acquisition.~~

19       ~~(6)(6)~~ If a district issues revenue bonds or notes  
20 under s. 373.584 prior to July 1, 1999, the district may  
21 pledge its share of the moneys in the Water Management Lands  
22 Trust Fund as security for such bonds or notes. The Department  
23 of Environmental Protection shall pay moneys from the trust  
24 fund to a district or its designee sufficient to pay the debt  
25 service, as it becomes due, on the outstanding bonds and notes  
26 of the district; however, such payments shall not exceed the  
27 district's cumulative portion of the trust fund. However, any  
28 moneys remaining after payment of the amount due on the debt  
29 service shall be released to the district pursuant to  
30 subsection~~(4)(3)~~.

31       ~~(7)(7)~~ Any unused portion of a district's share of the

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1 fund shall accumulate in the trust fund to the credit of that  
2 district. Interest earned on such portion shall also  
3 accumulate to the credit of that district to be used for ~~land~~  
4 ~~acquisition~~, management, maintenance, and capital improvements  
5 as provided in this section. The total moneys over the life  
6 of the fund available to any district under this section shall  
7 not be reduced except by resolution of the district governing  
8 board stating that the need for the moneys no longer exists.  
9 Any water management district with fund balances in the Water  
10 Management Lands Trust Fund as of March 1, 1999, may expend  
11 those funds for land acquisitions pursuant to s. 373.139, or  
12 for the purpose specified in this subsection.

13 (8) Moneys from the Water Management Lands Trust Fund  
14 shall be allocated to the five water management districts in  
15 the following percentages:

16 (a) Thirty percent to the South Florida Water  
17 Management District.

18 (b) Twenty-five percent to the Southwest Florida Water  
19 Management District.

20 (c) Twenty-five percent to the St. Johns River Water  
21 Management District.

22 (d) Ten percent to the Suwannee River Water Management  
23 District.

24 (e) Ten percent to the Northwest Florida Water  
25 Management District.

26 ~~(9) Each district may use its allocation under~~  
27 ~~subsection (8) for management, maintenance, and capital~~  
28 ~~improvements. Capital improvements shall include, but need not~~  
29 ~~be limited to, perimeter fencing, signs, firelanes, control of~~  
30 ~~invasive exotic species, controlled burning, habitat inventory~~  
31 ~~and restoration, law enforcement, access roads and trails, and~~

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1 ~~minimal public accommodations, such as primitive campsites,~~  
2 ~~garbage receptacles, and toilets.~~  
3       (10)~~(10)~~ Moneys in the fund not needed to meet current  
4 obligations incurred under this section shall be transferred  
5 to the State Board of Administration, to the credit of the  
6 fund, to be invested in the manner provided by law. Interest  
7 received on such investments shall be credited to the fund.  
8       ~~(11) Lands acquired for the purposes enumerated in~~  
9 ~~this section shall also be used for general public~~  
10 ~~recreational purposes. General public recreational purposes~~  
11 ~~shall include, but not be limited to, fishing, hunting,~~  
12 ~~horseback riding, swimming, camping, hiking, canoeing,~~  
13 ~~boating, diving, birding, sailing, jogging, and other related~~  
14 ~~outdoor activities to the maximum extent possible considering~~  
15 ~~the environmental sensitivity and suitability of those lands.~~  
16 ~~These public lands shall be evaluated for their resource value~~  
17 ~~for the purpose of establishing which parcels, in whole or in~~  
18 ~~part, annually or seasonally, would be conducive to general~~  
19 ~~public recreational purposes. Such findings shall be included~~  
20 ~~in management plans which are developed for such public lands.~~  
21 ~~These lands shall be made available to the public for these~~  
22 ~~purposes, unless the district governing board can demonstrate~~  
23 ~~that such activities would be incompatible with the purposes~~  
24 ~~for which these lands were acquired. For any fee simple~~  
25 ~~acquisition of a parcel which is or will be leased back for~~  
26 ~~agricultural purposes, or for any acquisition of a~~  
27 ~~less-than-fee interest in land that is or will be used for~~  
28 ~~agricultural purposes, the district governing board shall~~  
29 ~~first consider having a soil and water conservation district~~  
30 ~~created pursuant to chapter 582 manage and monitor such~~  
31 ~~interest.~~

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1           (10)(a) Beginning July 1, 1999, not more than  
2 one-fourth of the land management funds provided for in  
3 subsections (1) and (7) in any year shall be reserved annually  
4 by a governing board, during the development of its annual  
5 operating budget, for payments in lieu of taxes for all actual  
6 tax losses incurred as a result of governing board  
7 acquisitions for water management districts under the  
8 Stewardship Florida program during any year. Reserved funds  
9 not used for payments in lieu of taxes in any year shall  
10 revert to the Water Management Lands Trust Fund to be used in  
11 accordance with the provisions of this section.

12           (b) Payment in lieu of taxes shall be available:

13           1. To all counties that have a population of 150,000  
14 or less. Population levels shall be determined pursuant to s.  
15 11.031.

16           2. To all local governments who are located in  
17 eligible counties and whose lands are bought and taken off the  
18 tax rolls.

19  
20 For the purposes of this subsection, "local government"  
21 includes municipalities, the county school board, mosquito  
22 control districts, and any other local government entity which  
23 levies ad valorem taxes.

24           (c) If insufficient funds are available in any year to  
25 make full payments to all qualifying counties and local  
26 governments, such counties and local governments shall receive  
27 a pro rata share of the moneys available.

28           (d) The payment amount shall be based on the average  
29 amount of actual taxes paid on the property for the 3 years  
30 preceding acquisition. Applications for payment in lieu of  
31 taxes shall be made no later than January 31 of the year

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1 following acquisition. No payment in lieu of taxes shall be  
2 made for properties which were exempt from ad valorem taxation  
3 for the year immediately preceding acquisition. If property  
4 that was subject to ad valorem taxation was acquired by a  
5 tax-exempt entity for ultimate conveyance to the state under  
6 this chapter, payment in lieu of taxes shall be made for such  
7 property based upon the average amount of taxes paid on the  
8 property for the 3 years prior to its being removed from the  
9 tax rolls. The water management districts shall certify to the  
10 Department of Revenue those properties that may be eligible  
11 under this provision. Once eligibility has been established,  
12 that governmental entity shall receive 10 consecutive annual  
13 payments, and no further eligibility determination shall be  
14 made during that period.

15 (e) Payment in lieu of taxes pursuant to this  
16 subsection shall be made annually to qualifying counties and  
17 local governments after certification by the Department of  
18 Revenue that the amounts applied for are reasonably  
19 appropriate, based on the amount of actual taxes paid on the  
20 eligible property, and after the water management districts  
21 have provided supporting documents to the Comptroller and have  
22 requested that payment be made in accordance with the  
23 requirements of this section.

24 (f) If a water management district conveys to a county  
25 or local government title to any land owned by the district,  
26 any payments in lieu of taxes on the land made to the county  
27 or local government shall be discontinued as of the date of  
28 the conveyance.

29 ~~(12) A district may dispose of land acquired under~~  
30 ~~this section, pursuant to s. 373.056 or s. 373.089. However,~~  
31 ~~revenue derived from such disposal may not be used for any~~

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~~1 purpose except the purchase of other lands meeting the  
2 criteria specified in this section or payment of debt service  
3 on revenue bonds or notes issued under s. 373.584, as provided  
4 in this section.~~

~~5 (13) No moneys generated pursuant to this act may be  
6 applied or expended subsequent to July 1, 1985, to reimburse  
7 any district for prior expenditures for land acquisition from  
8 ad valorem taxes or other funds other than its share of the  
9 funds provided herein or to refund or refinance outstanding  
10 debt payable solely from ad valorem taxes or other funds other  
11 than its share of the funds provided herein.~~

~~12 (14)(a) Beginning in fiscal year 1992-1993, not more  
13 than one-fourth of the land management funds provided for in  
14 subsections (1) and (9) in any year shall be reserved annually  
15 by a governing board, during the development of its annual  
16 operating budget, for payment in lieu of taxes to qualifying  
17 counties for actual ad valorem tax losses incurred as a result  
18 of lands purchased with funds allocated pursuant to s.  
19 259.101(3)(b). In addition, the Northwest Florida Water  
20 Management District, the South Florida Water Management  
21 District, the Southwest Florida Water Management District, the  
22 St. Johns River Water Management District, and the Suwannee  
23 River Water Management District shall pay to qualifying  
24 counties payments in lieu of taxes for district lands acquired  
25 with funds allocated pursuant to subsection (8). Reserved  
26 funds that are not used for payment in lieu of taxes in any  
27 year shall revert to the fund to be used for management  
28 purposes or land acquisition in accordance with this section.~~

~~29 (b) Payment in lieu of taxes shall be available to  
30 counties for each year in which the levy of ad valorem tax is  
31 at least 8.25 mills or the amount of the tax loss from all~~

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1 ~~completed Preservation 2000 acquisitions in the county exceeds~~  
2 ~~0.01 percent of the county's total taxable value, and the~~  
3 ~~population is 75,000 or less and to counties with a population~~  
4 ~~of less than 100,000 which contain all or a portion of an area~~  
5 ~~of critical state concern designated pursuant to chapter 380.~~

6 ~~(c) If insufficient funds are available in any year to~~  
7 ~~make full payments to all qualifying counties, such counties~~  
8 ~~shall receive a pro rata share of the moneys available.~~

9 ~~(d) The payment amount shall be based on the average~~  
10 ~~amount of actual taxes paid on the property for the 3 years~~  
11 ~~immediately preceding acquisition. For lands purchased prior~~  
12 ~~to July 1, 1992, applications for payment in lieu of taxes~~  
13 ~~shall be made to the districts by January 1, 1993. For lands~~  
14 ~~purchased after July 1, 1992, applications for payment in lieu~~  
15 ~~of taxes shall be made no later than January 31 of the year~~  
16 ~~following acquisition. No payment in lieu of taxes shall be~~  
17 ~~made for properties which were exempt from ad valorem taxation~~  
18 ~~for the year immediately preceding acquisition. Payment in~~  
19 ~~lieu of taxes shall be limited to a period of 10 consecutive~~  
20 ~~years of annual payments.~~

21 ~~(e) Payment in lieu of taxes shall be made within 30~~  
22 ~~days after: certification by the Department of Revenue that~~  
23 ~~the amounts applied for are appropriate, certification by the~~  
24 ~~Department of Environmental Protection that funds are~~  
25 ~~available, and completion of any fund transfers to the~~  
26 ~~district. The governing board may reduce the amount of a~~  
27 ~~payment in lieu of taxes to any county by the amount of other~~  
28 ~~payments, grants, or in-kind services provided to that county~~  
29 ~~by the district during the year. The amount of any reduction~~  
30 ~~in payments shall remain in the Water Management Lands Trust~~  
31 ~~Fund for purposes provided by law.~~

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1           ~~(f) If a district governing board conveys to a local~~  
2 ~~government title to any land owned by the board, any payments~~  
3 ~~in lieu of taxes on the land made to the local government~~  
4 ~~shall be discontinued as of the date of the conveyance.~~

5           ~~(15) Each district is encouraged to use volunteers to~~  
6 ~~provide land management and other services. Volunteers shall~~  
7 ~~be covered by liability protection and workers' compensation~~  
8 ~~in the same manner as district employees, unless waived in~~  
9 ~~writing by such volunteers or unless such volunteers otherwise~~  
10 ~~provide equivalent insurance.~~

11           ~~(16) Each water management district is authorized and~~  
12 ~~encouraged to enter into cooperative land management~~  
13 ~~agreements with state agencies or local governments to provide~~  
14 ~~for the coordinated and cost-effective management of lands to~~  
15 ~~which the water management districts, the Board of Trustees of~~  
16 ~~the Internal Improvement Trust Fund, or local governments hold~~  
17 ~~title. Any such cooperative land management agreement must be~~  
18 ~~consistent with any applicable laws governing land use,~~  
19 ~~management duties, and responsibilities and procedures of each~~  
20 ~~cooperating entity. Each cooperating entity is authorized to~~  
21 ~~expend such funds as are made available to it for land~~  
22 ~~management on any such lands included in a cooperative land~~  
23 ~~management agreement.~~

24           ~~(11)(17)~~ Notwithstanding any provision of this section  
25 to the contrary and for the 1998-1999 fiscal year only, the  
26 governing board of a water management district may request,  
27 and the Secretary of Environmental Protection shall release  
28 upon such request, moneys allocated to the districts pursuant  
29 to subsection ~~(7)(8)~~ for the purpose of carrying out the  
30 provisions of ss. 373.451-373.4595. No funds may be used  
31 pursuant to this subsection until necessary debt service

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1 obligations and requirements for payments in lieu of taxes  
2 that may be required pursuant to this section are provided  
3 for. This subsection is repealed on July 1, 1999.

4  
5

6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 On page 3, line 27 after the semicolon thru page 4,  
9 line 15

10 remove from the title of the bill: all of said lines

11

12 and insert in lieu thereof:

13 amending s. 373.139, F.S.; revising authority  
14 and requirements for acquisition and  
15 disposition of lands by the water management  
16 districts; providing district rulemaking  
17 authority, subject to legislative review;  
18 creating s. 373.1391, F.S.; providing criteria  
19 for management and uses of district lands;  
20 providing district rulemaking authority,  
21 subject to legislative review; creating s.  
22 373.199, F.S.; providing duties of the water  
23 management districts in assisting the  
24 Acquisition and Restoration Commission;  
25 requiring development of recommended project  
26 lists; specifying required information;  
27 repealing s. 373.250, F.S.; relating to the  
28 reuse of reclaimed water; amending s.  
29 373.59, F.S.; revising authorized uses of funds  
30 from the Water Management Lands Trust Fund;  
31 revising eligibility criteria for payment in

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lieu of taxes; amending s. 375.075, F.S.;